Previous References

1939.
( )
Legis

File No. 19 — 39
Serial Nos. 1-6.

Later References.
Legis 52-39 (1)
Vol 358-47 (1-2

PRESERVED

(61)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Six only

Part B for September 39.

SUBJECT.

Notification applying to Mysore the Foreigners Ordinance, 1939, and order thereunder.

No. P. 1709/Legis 8/12·9·39 To the Compiler, Mysore Gazette
Issues for republication Enemy Foreigners order, 1939

WD 0573—GPB—22,500—12-9-39

Foreign ordinance - application to Mysore

Serial No.

1939
931

OFFICE OF THE
FIRST LEGISLATIVE COUNCIL
SEP 1 1939
2094

From

The Secretary to the Hon'ble the Resident

Secret D.O. no C.F. 170/1939 dated 1st September 1939 regarding that the British Indian ordinance 1 of 1939 and order issued under it may be applied to Mysore early.

1 A draft notification applying the ordinance and order mutatis mutandis to Mysore is put up

2 under section 3 of the order, Civil authorities have to be appointed for the purposes of the order. In the Confidential instructions of the Home department it is suggested that Commissioners of Police and Superintendents of Police may be appointed. A draft notification for this purpose is also put up.

3 A.D.F. is also put up for order.

Sd/-
1.9.39

4 The ordinance will be promulgated
The rules will also be issued

1st Member
Dewan
2nd Member

Ce
1/9/39

6 Dewan
2/9/39

7 MJ
2-9-39

8 FCe
2.9

9 Took Dewan's instructions
10 Issue & then submit to H.H.

Ce
2.9

1814
2.9.39

NOTE-Contn. Sheet.

Foreigners Ordinance – application to Mayne

File No. of 19 . General and Revenue Secretariat.

Serial No.	
	Issued notification P1353 – Legis 19-39-1 dated 2-9-39 applying Foreigners Order 1939 Andaman & Nicobar
1	
	Issued notification P1354 – Legis 19-39-2 dated 2-9-39 making the Foreigners Rules.
2	
	Issued notification 1355 – Legis 19-39-3 dated 2.9.39 appointing Civil authorities under Foreigners Rules.
3	
	Issued Do. P1356 dated 2.9.39 to the Controller Printing & Stationery for making arrangements to issue Gazette Extraordinary
	Issued P1357 – Legis 19-39-4, notification dated 3-9-39 declaring all Foreigners order shall apply Andaman & Nicobar
4	

(1) In replying to another Residency letter it has also been stated that the Foreigners Ordinance & Order have been applied to Mayne. (letter P1369 dated 3-9-1939)

As the mention is made of the appointment of Civil authorities & Port rules & the Residency Asst. 5/9/39 12 it was also suggested that paragraph 4 of the Supplemental instructions enclosed with the P. may be kept issued in view of the fact that it has broken out and the Provisional instructions in the possession of the G.P. It is for orders whether copy of paragraph 4 should be sent to

5/9/39

1384

3

Foreigners ordinance - affiliation of

General and Revenue Secretariat. | File No. | of 19 . | [App. F. III-2

Serial No.

1963.

SEP 8 1939
No 2326

Issued P/1417 dated 5. 9. 39 to the S. G. P.

Issued Pol 342 dated 5. 9. 39 to the Residency.

The necessary notifications have issued. Reference is invited to paras 9 and 10. The papers have to be submitted to His Highness. H. D. F. N: is submitted.

6.9.39

(The Home Secy)

1st Member)

Signed F N is placed in file 6/9

8/9/39

S. N. submitted

Dewan) 6/9

Final Note by the First Member of Council.

Subject.—

Issue of notification applying to Mysore the Foreigners Ordinance and Order thereunder.

In their letter of the 1st instant, the Residency requested that this Government might apply at a very early date t Mysore. an Ordinance and Order similar to the Foreigners Ordinance No.I of 1939 and the Order under it of British India. It provides for the imposition of restrictions on foreigners, thei internment, etc. As the matter was urgent, Notifications enforcing the British Indian Ordinance and Order and appointing civil authorities under the Order were issued on the 2nd instan

The papers are submitted to His Highness for gracious approval of the action taken.

N. Madhava Rau

MEMBER OF COUNCIL.

Bangalore,
8th September 1939.

Submitted to His Highness.

I submit herewith a Final Note by the FIRST *Member of Council on the subject of* the issue of the notification applying to Mysore the Foreigners Ordinance, 1939, and Order thereunder, *for His Highness' gracious approval.*

Mirza M. Ismail

Dewan.

Bangalore,

9th September 1939.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Issue of the notification applying to Mysore the Foreigners Ordinance, 1939, and Order thereunder.

C.R. Secy
No
12-9-39 No. 172

Order.

~~KRW~~
11/9/39

MS
12.9.39

H.H. 173

General and Revenue
Secretariat.

SUBJECT:—

Issue of the notification applying to Mysore the Foreigners Ordinance, 1939, and Order thereunder.

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders ~~before~~/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

...Law.....Department.

2964
12.9.39

FIRST MEMBER OF COUNCIL.

12/9/39

2176
13.9.39

SECOND MEMBER OF COUNCIL.

14/9

Law Secy, with Compliments)

14/9

Foreigners Ordinance

General and Revenue Secretariat.

File No. of 19 [App. F. III-2

Serial No.

The Residency have sent copies of the Foreigners Ordinance I of 1939 and Order thereunder.

In the Order which has been reproduced as Rules in Mysore, 2 additional Sections have been incorporated. They do not find a place in our Rules.

The Residency have also forwarded a Copy of the Enemy Foreigners Order issued under the Ordinance

Under our notification P1357-Legis 39-39-4 all foreigners Orders issued in British India shall apply to Mysore

It is a point for orders whether this order has to be republished in the Mysore Gazette for general information. It is also for orders whether the additional Sections of the Foreigners Order have to be added to our Rules by a notification

Submitted for orders

Sd/- 8/9/39

(in charge Secy)

Better this done. Put up drafts

Sd/- 8/9

Two drafts are put up

1. a notification adding paragraphs 7 and 8 to the Foreigners order. Opportunity has been taken to change the name from Rules to Order as suggested.

Foreigners ordinance 1545/R

File No. of 19

General and Ret... Secretariat.

Serial No.

2. an order directing republication of the Enemy Foreigners Orde.

submitted for orders

For 9.9. [illegible]

(to Law Secy)

Two more clauses have to be added to the Foreigners order. These came from the Residency recently. We may also call it "order" & not "Rules" to avoid confusion.

(1st Member)

CL 9/9

Secy 10/9/39

CL 11/9

Issued vide p 1708 - Legis 19-39-5 dt 12.9.39 R.T. Compilation

5

Issued vide p 1709 - Legis 19-39-6 dt 12.9.39 of the Compilation.

OFFICE OF THE ... OF COUNCIL
SEP ...
No. 2368

I am desired to forward a copy of the Foreigners Ordinance No.I of 1939 and Order under it in force in British India. The Political Department would be glad if the Government of Mysore would agree to apply at a very early date to the Mysore State a similar Ordinance and Order and issue the confidential instructions specified in paragraph 4 of the Home Department telegram No.1205, dated the 27th August 1939, a copy of which is enclosed.

Yours Sincerely

H Fulton

From - Home Department, Political Branch.

To - Chief Secretaries all Provincial Governments.
All Chief Commissioners.

No 1205- Dated 26/27. 8. 1939

Foreigners Ordinance referred to in paragraph 5 of Home Department's letter 21/4/39-Political, dated 10th August being issued today in Gazette Extraordinary as Ordinance No. I of 1939. Provisions correspond to clauses 42 to 45, 142, 145 and 154 of Defence of India Ordinance Draft X forwarded with Defence Co-ordination Department letter 98-M/39-GG(DC) dated 18th August. Penalty for contraventions of Ordinance or orders thereunder five years.

2. Foreigners Order under Ordinance also issued providing first Civil authority may prohibit entry into British India of any foreigner; second foreigners may not depart from British India without permission of Civil authority; third foreigners may not without permission of civil authority be in prohibited places under Official Secrets Act; fourth foreigners may not without permission of civil authority enter or be employed in undertakings engaged in supply of light, petroleum, power or water or in other undertakings specified by Central Government.

3. Central Government would be grateful if Provincial Government would, if not already done, intimate by telegram consent to entrustment of functions under Ordinance and Order and would meanwhile make preparation to appoint in exercise of powers conferred by paragraph 3 of Foreigners Order, Commissioners and Superintendents of Police as civil authorities for purpose of the said Order.

4. Main purposes of the Order are to prevent potential enemy subjects from committing sabotage in important factories and public utility undertakings and from departing to Afghanistan and neighbouring countries and

as regards departure order will legalise action recommended in Home Department's letter 21/4/39-Political, dated 22nd August. Central Government, therefore, request issue of following confidential instructions - first power to prohibit entry to be used against individual suspects only; second permission to depart to be freely given to all except persons of potential enemy nationality who are suspected of design to go to Afghanistan, Siam, Irna etc. No general embargo on departure to Europe, America or Far East intended; third permission to enter prohibited places and undertakings should not normally be withheld from foreigners other than potential enemies.

5. As regards undertakings other than those for supply of light, petroleum, power or water, Central Government suggest that Provincial Government notify in exercise of powers conferred by paragraph 6 of Foreigners Order, 1939, entrusted to Provincial Government any important undertakings such as Tatas Works Jamshedpur in which potential enemy subjects are employed.

6. Central Government would be grateful if Provincial Government would apply Ordinance immediately by notification under section 92, Government of India Act to partially excluded areas. Order will thereupon apply automatically.

7 In event of war, a comprehensive Foreigners Order will be promulgated calculated to cover the action laid down in the Provisional Instructions for the control of foreigners in war of which copies were supplied with Home Department's letter of 10th August. Central Government would be grateful if the Provincial Government would issue orders so that immediately on receipt of 'War' telegram, the aforesaid instructions are put into force.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P [illegible] Dated Bangalore 1939

NOTIFICATION.

In exercise of the Powers vested in them under Section 12 of the Mysore Legislative Council Act XIX of 1923, and all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Foreigners Ordinance, 1939 (Ordinance No.I of 1939. ~~An Ordinance to provide for the imposition of restrictions on Foreigners) and the Foreigners Order, 1939 (No.21/84/39 dated 26th August 1939~~, shall mutatis mutandis be enforced in Mysore subject to the modifications specified in the Schedule hereto annexed, as long as and to the same extent as the Ordinance is in force in British India. It shall apply to all subjects of the State resident in or out of Mysore and to all persons resident within the State of Mysore:

Provided that any Court may construe the provisions of the said Ordinance ~~or the Order~~ and of any notifications, orders, directions or Acts made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

SCHEDULE.

List of modifications.

In the Foreigners Ordinance, 1939 ~~and the Foreigners Order, 1939~~ -

1. Save where the context otherwise requires, references to the Central Government shall be construed as references to the Government of His Highness the Maharaja of Mysore.

2. In Section 6 of the Ordinance for the words,"any Commissioner of Police, or where there is no Commissioner of Police," the words " the Inspector General of Police and " shall

be substituted.

3. In Section 14 of the Ordinance the words, "the Foreigners Act, 1864" shall be omitted.

4. In Section 4 of the Order the words " Notwithstanding anything contained in the Indian Passport Act, 1920, or in the rules made thereunder," shall be omitted.

5. For Section 5 (1) of the Order, the following shall be substituted, namely, -

"5(1) No Foreigner shall, without the permission of the civil authority, visit, or reside, any prohibited place as defined in the Indian Official Secrets Act, 1923 (Act No.XIX of 1923 of the Indian Legislature.)"

Cl.
1/9/38

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P. Dated Bangalore the 1939.

NOTIFICATION.

In exercise of the powers conferred by Section 3 of the Foreigners Rules, 1939 the Government of His Highness the Maharaja of Mysore are pleased to appoint the following persons as civil authorities for the purposes of the said ~~order~~ Rules for the areas noted against them:-

1. The Inspector General of Police in Mysore - for the whole of Mysore.
2. The District Superintendents of Police - for their respective Districts.

DRAFT FINAL NOTE.

Subject:- Issue of Notification applying the Foreigners Ordinance, No.I of 1939 to Mysore.

In their letter of the 1st September the Residency have requested that this Government might apply at a very early date to the Mysore State, an Ordinance and Order similar to the Foreigners Ordinance No.I of 1939 and Order under it as in force in British India. It is considered desirable to do this by means of a Notification applying the British Indian Ordinance and Order mutatis mutandis to Mysore and subject to certain modifications which will be given as a Schedule to the Notification.

The Dewan and the Second Member of Council are agreeable to this proposal. The gracious sanction of His Highness is solicited for the issue of the Notification.

MEMBER OF COUNCIL.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P.1353-45 19-3-1/39- Dated Bangalore the 2nd September 1939.

NOTIFICATION.

In exercise of the powers vested in them under Section 12 of the Mysore Legislative Council Act, ~~1923~~ XIX of 1923, and all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Foreigners Ordinance, 1939 (Ordinance No.I of 1939) shall mutatis mutandis be enforced in Mysore subject to the modifications specified in the Schedule hereto annexed, as long as and to the same extent as the Ordinance is in force in British India. It shall apply to all subjects of the State resident in or out of Mysore and to all persons resident within the State of Mysore:

Provided that any Court may construe the provisions of the said Ordinance and of any notifications, orders, directions or Acts made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

SCHEDULE.

List of modifications.

In the Foreigners Ordinance, 1939 -

1. Save where the context otherwise requires, references to the Central Government shall be construed as references to the Government of His Highness the Maharaja of Mysore.

2. In Section 6 of the Ordinance for the words, "any Commissioner of Police, or where there is no Commissioner of Police," the words " the Inspector General of Police and " shall be substituted.

3. In Section 14 of the Ordinance the words " the Foreigners Act, 1864" shall be omitted.

By Order,

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette for publication on as a Gazette Extraordinary tomorrow alone.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No. 1357-Legs 17-39-2 Dated Bangalore the 2nd September 1939.

NOTIFICATION.

In exercise of the powers conferred by Section 3 of the Foreigners Ordinance, 1939, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules:-

1. (1) These Rules may be called the Foreigners Rules, 1939.

(2) It shall come into force at once.

(3) It extends to the whole of Mysore.

2. In these Rules "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners ~~Rules~~ Rules, 1939.

3. The Government may appoint civil authorities for the purposes of these Rules for such areas as they think fit.

4.(1) The civil authority may prohibit the entry of any foreigner into Mysore.

(2) No foreigner shall depart from Mysore without the permission of the civil authority for the port or other place of departure.

5.(1) No foreigner shall, without the permission of the civil authority, visit, or reside in, any prohibited place as defined in the Indian Official Secret Act, 1923.

(2) Where any foreigner is, on the commencement of these Rules, residing in any prohibited place and is not permitted to continue to reside there, he shall within such time as may be specified by the civil authority, remove himself from such place.

6. No foreigner shall, without the permission in writing of the civil authority, enter any premises relating to, or be employed in or in connection with -

(a) any undertaking for the supply to Government or to the public of light, petrolium, power or water, or

(b) any other undertaking which may be specified in this behalf by the Government.

By order,

Secretary to Government
Law Department.

A.T.O.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

Dated, Bangalore, the 2nd Septr. 1939.

No.P.1355-Leg/19-39-3

NOTIFICATION.

In exercise of the powers conferred by Section 3 of the Foreigners Rules, 1939, The Government of His Highness the Maharaja of Mysore are pleased to appoint the following persons as ~~x~~ civil authorities for the purposes of the said rules for the areas noted against them:-

1. The Inspector-General of Police in Mysore.	For the whole of Mysore.
2. The District Superintendents of Police.	For their respective Districts.

By Order,

Secretary to Government,
Law Department.

T

The Compiler, Mysore Gazette, for publicationas a Gazette Extraordinary to-morrow. The matter may be kept standing.

GENERAL AND REVENUE SECRETARIAT

Bangalore, Dated, 2nd September 1939

IMMEDIATE.

Dear Sir,

I am desired to request you to be so good as to make arrangements for issuing the accompanying matter as a Gazette Extraordinary tomorrow without fail. Arrangements may also be made to supply 50 copies of each of the notifications by 11 A.M. on Monday and to keep the matter standing.

Yours sincerely,

7 P.M
Gazette

B.Krishnaswami Chetty, Esq., B.A.,
Superintendent and Compiler, Mysore Gazette,
Bangalore.

24/9/39

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

Dated, Bangalore, the 3rd Septr. 1939.

No.P.1357-Legis.19-39-4

NOTIFICATION.

In exercise of the powers conferred by Section 3 of the Foreigners Ordinance, 1939, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to declare that all Foreigners Orders from time to time issued in British India under the Foreigners Ordinance, 1939, shall apply to Mysore mutatis mutandis.

By Order,

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication as a Gazette Extraordinary to-day. 50 copies may be supplied to this office and the matter kept standing.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 4th September 1939.

No. P1417 SECRET & IMMEDIATE.
Secret.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Inspector General of Police in Mysore,

B a n g a l o r e.

Sir,

I am directed to forward copy of a Secret letter No.C.F.170/39 dated 1st September 1939 from the Residency together with the enclosure thereto and to request that action on the lines of the Confidential instructions specified in paragraph 4 of the Home Department telegram may be taken. The Foreigners Ordinance I of 1939 and Order under it in force in British India have been applied to Mysore. A further notification applying all Foreigners Orders in force in British India mutatis mutandis to Mysore has also been issued. The Inspector General of Police and all District Superintendents of Police have been appointed Civil authorities for the purposes of the Order in their respective jurisdictions.

I have the honor to be,

Sir,

Your most obedient servant,

Secretary to Government
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

Bangalore, dated .....5th September 1939.

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore.
Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore.

SIR,

With reference to your Secret D.O.No.C.F.170/1939 dated 1st September 1939 to Mr. Kesavaiengar, I am directed to state that the Foreigners Ordinance I of 1939 and Order under it in force in British India have been applied to Mysore. The Inspector General of Police and the Superintendents of Police have been appointed civil authorities under the Order. Another Notification applying all Foreigners Orders issued in British India from time to time mutatis mutandis to Mysore has also been issued

A copy of the Confidential Instructions specified in parag 4 of the Home Department telegram enclosed with your letter under reply has been forwarded to the Inspector General of Police for necessary action.

With reference to the Note at the end of my Secret letter No. S.B.84/39-40 dated September 3, 1939, I write to inform you that the Foreigners Ordinance (No. I of 1939) and the Foreigners Order 1939 issued by the Government of India under Section 3 of that Ordinance have been published in the Mysore Gazette Extraordinary of the 3rd September 1939, and printed copies will be sent to you in due course.

It should be noted that in the Gazette Extraordinary, the Foreigners Order 1939 issued by the Government of India has been styled "The Foreigners Rules,1939" but it is probable that the nomenclature will be altered to "The Foreigners Order,1939" once more. In any case, the Order and the Rules are one and the same thing.

The Government of India have since issued the following amendment to their Foreigners Order, 1939 :-

on movements etc. The Civil Authority may by order in writing direct that any foreigner shall comply with such conditions as may be specified in Order in respect of (a) his place of residence (b) his movements (c) his association with any person or class of persons specified in order and (d) his possession of such articles as may be specified in order".

You should note that as a "Civil Authority" your powers of restriction should be used against German Nationals only and powers of detention against German Suspects only. Full instructions regarding the restrictions to be imposed on German Nationals (i.e. women and children left at liberty after the arrest of all adult male German subjects) have already been given to you in my letter quoted above.

No. 1317

Dated .. 2nd September 1939
Received 3rd September 1939.

Home Department. Addressed to Chief Secretaries. Repeated to all Provincial Governments including Baluchistan. Your telegram No. 106-C 4 dated September 1st. While Central Government would have no objection to use of Section 110 Code of Criminal Procedure to prohibit German subjects from leaving their residences they consider it preferable to act under Foreigners Order 1939. The following paragraphs are therefore being added to that order as paragraphs 7 and 8 and published to-day in Gazette Extraordinary.

as may be specified in Order in respect of (a) his place or residence (b) his movements (c) his association with any person or class of persons specified in order and (d) his possession of such articles as may be specified in order. " Amendment ends.

Central Government request confidential instructions be issued to Police Officers appointed as Civil Authority to use powers of restriction against German nationals only and power of detention against German suspects only.

Intimation has been received that His Majesty's Government have had German suspects arrested

D. O. No. S.B.84/39-40.

URGENT.

E. G. B. PEEL, Esq., C.I.E.,
Inspector-General of Police
in Mysore.

BANGALORE

September 6, 1939.

I am sd with Compts. for favour of early attn. 11/9/39

My dear [illegible]

I shall be grateful if you will arrange to supply me with the least possible delay with 20 printed copies of the Foreigners' Ordinance and the Foreigners' Rules made thereunder.

They are required for distribution to all Superintendents of Police, who have been appointed "Civil Authorities" for the purposes of the said Rules.

Yours sincerely,

E. G. Peel

Sd with draft Hyderabad D.O. to the Govt.

RA 6/9

(Home Secy)

Issued D.O. No. P. 1463 dt 6th Sept. 39 to all Govt Officers

92

D.O No. P 1443/ Exc 100.

6th September 1939.

Dear Sir,

With reference to your D.O.No.S.B.84/39-40 dated 6th September 1939, I am desired to forward herewith 20 printed copies of the Foreigners Ordinance and the Foreigners Rules made thereunder with two other notifications connected therewith.

Yours sincerely

E.G.B.Peel, Esq., C.I.E.,
Inspector General of Police in Mysore.

Regd. No. M.—1175.

The Mysore Gazette

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, SUNDAY, SEPTEMBER 3, 1939.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. P. 1353—*Legis.* 19-39-1, *dated Bangalore, the 2nd September* 1939.

In exercise of the powers vested in them under Section 12 of the Mysore Legislative Council Act, XIX of 1923, and all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Foreigners Ordinance, 1939 (Ordinance No. I of 1939) shall *mutatis mutandis* be enforced in Mysore subject to the modifications specified in the Schedule hereto annexed, as long as and to the same extent as the Ordinance is in force in British India. It shall apply to all subjects of the State resident in or out of Mysore and to all persons resident within the State of Mysore:

Provided that any Court may construe the provisions of the said Ordinance and of any notifications, orders, directions or Acts made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

SCHEDULE.

LIST OF MODIFICATIONS.

In the Foreigners Ordinance, 1939—

1. Save where the context otherwise requires, references to the Central Government shall be construed as references to the Government of His Highness the Maharaja of Mysore.

2. In Section 6 of the Ordinance, for the words, "any Commissioner of Police, or where there is no Commissioner of Police," the words "the Inspector-General of Police and" shall be substituted.

3. In Section 14 of the Ordinance, the words, "the Foreigners Act, 1864" shall be omitted.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,
Law Department.

HOME DEPARTMENT.

ORDINANCE No. I OF 1939.

AN

ORDINANCE

TO

provide for the imposition of restrictions on foreigners.

WHEREAS an emergency has arisen which makes it necessary to provide for the imposition of restrictions on the entry of foreigners into British India, their presence therein and their departure therefrom :

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :— 26 Geo. 5, Ch. 2.

1. (*1*) This Ordinance may be called the Foreigners Ordinance, 1939. Short title, extent and commencement.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force at once.

2. In this Ordinance— Definitions.

(*a*) "foreigner" has the meaning assigned to it in the Foreigners Act, 1864, except that it does not include— III of 1864.

(*i*) any ruler or subject of any Indian State ; or

(*ii*) any native of the tribal areas ;

(*b*) "prescribed" means prescribed by orders made under this Ordinance ;

(*c*) "specified" means specified by direction of a prescribed authority.

3. (*1*) The Central Government may, by order, make provision, either generally with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into British India or their departure therefrom or their presence or continued presence therein ; Power to make orders.

(2) In particular, and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner—

(a) shall not enter British India, or shall enter British India only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed;

(b) shall not depart from British India, or shall depart only at such times and by such route and from such port or place and subject to the observance of such conditions on departure as may be prescribed;

(c) shall not remain in British India or in any prescribed area therein;

(d) shall remove himself to, and remain in, such area in British India as may be prescribed;

(e) shall comply with such conditions as may be prescribed or specified—

(i) requiring him to reside in a particular place,

(ii) imposing any restrictions on his movements,

(iii) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified;

(iv) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his handwriting and signature to such authority and at such time and place as may be prescribed or specified;

(v) prohibiting him from association with persons of a prescribed or specified description;

(vi) prohibiting him from engaging in activities of a prescribed or specified description;

(vii) prohibiting him from using or possessing prescribed or specified articles: or

(viii) otherwise regulating his conduct in any such particular as may be prescribed or speci-

(*f*) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions; or

(*g*) shall be arrested and detained or confined;

and may make provision for such incidental and supplementary matters as may, in the opinion of the Central Government, be expedient or necessary for giving effect to this Ordinance.

Internees.

4. (*1*) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (*g*) of sub-section (*2*) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Central Government may from time to time determine.

(*2*) No person shall—

(*a*) knowingly assist an internee to escape from custody or knowingly harbour an escaped internee; or

(*b*) give an escaped internee any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the internee.

(*3*) The Central Government may by order provide for regulating access to, and the conduct of persons in, places in British India where internees are detained and for prohibiting or regulating the despatch or conveyance from outside such places to or for internees therein of such articles as may be prescribed.

(*4*) No proceedings shall be taken by virtue of sub-section (*2*) or sub-section (*3*) against any person in respect of any act done by him when he is himself an internee.

Change of name.

5. (*1*) No foreigner who is in British India on the date on which this Ordinance came into force shall, while in British India after that date, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said date.

(2) Where, after the date on which this Ordinance came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the said date, he shall, for the purposes of sub-section (1) be deemed to be using a name other than that by which he was ordinarily known immediately before the said date.

(3) In relation to any foreigner who, not having been in British India on the date on which the Ordinance came into force, thereafter enters British India, sub-sections (1) and (2) shall have effect as if for any reference in those sub-sections to the date on which this Ordinance came into force there were substituted a reference to the date on which he first enters British India thereafter.

(4) For the purposes of this section—

(a) the expression 'name' includes a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(5) Nothing in this section shall apply to the assumption or use–

(a) of any name in pursuance of a Royal licence; or

(b) by any married woman, of her husband's name.

6. Any District Magistrate and any Commissioner of Police, or, where there is no Commissioner of Police, any Superintendent of Police, may, for any purpose connected with the enforcement of this Ordinance or any order made thereunder, enter, with such assistance as he may think fit, any vessel or aircraft at any port or place in British India and may—

(a) direct the master of the vessel or the pilot of the aircraft, as the case may be,—

(i) before any passenger disembarks, or before the vessel or aircraft leaves such port or place, as the case may be, to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the vessel or aircraft

commenced its journey, or who have signified their intention of departing from British India on board such vessel or aircraft, setting out the ports or places at which they embarked, the ports or places of their disembarkation or intended disembarkation, and such other particulars as may be prescribed, and

(*ii*) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of British India ; and

(*b*) if any foreigner seeking to enter British India on board such vessel or aircraft does not give satisfactory reasons for entering British India, either—

(*i*) refuse to allow such foreigner to disembark from such vessel or aircraft, or

(*ii*) place him under such restraint as may be prescribed or specified.

Burden of proof.

7. If any question arises with reference to this Ordinance or any order made or direction given thereunder, whether any person is or is not a foreigner or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, lie upon such person. I of 1872.

Power to exempt from application of Ordinance.

8. The Central Government may, by order, declare that any or all of the provisions of this Ordinance or the orders made thereunder shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified, to and in relation to any individual foreigner or any class or description of foreigner.

Power to give effect to orders, directions, etc.

9. (*1*) Any authority empowered by or under or in pursuance of the provisions of this Ordinance to give any direction or to exercise any other power, may, in addition to any other action expressly provided for in this Ordinance, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in its opinion, be reasonably necessary for securing compliance with such direction or for preventing or rectifying any breach thereof, or for the effective exercise of such power, as the case may be.

(2) Any police officer may take such steps and use such force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provisions of this Ordinance or for preventing or rectifying any breach of such order or direction.

(3) The power conferred by this section shall be deemed to confer upon any person acting in exercise thereof a right of access to any land or other property whatsoever.

Power to delegate authority.

10. Any authority upon which any power to make or give any direction, consent or permission or to do any other act is conferred by this Ordinance or by any order made thereunder may, unless express provision is made to the contrary, in writing, authorise, conditionally or otherwise, any authority subordinate to it to exercise such power on its behalf, and thereupon the said subordinate authority shall, subject to such conditions as may be contained in the authorisation, be deemed to be the authority upon which such power is conferred by or under this Ordinance.

Attempts, etc. to contravene the provisions of this Ordinance, etc.

11. (1) Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Ordinance or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Ordinance.

(2) Any person who, knowing or having reasonable cause to believe that any other person has contravened the provisions of this Ordinance or of any order made or direction given thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

(3) The master of any vessel or the pilot of any aircraft, as the case may be, by means of which any foreigner enters or leaves British India in contravention of any order made under, or direction given in pursuance of, section 3 shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Ordinance.

Penalties.

12. If any person contravenes the provisions of this Ordinance or of any order made thereunder, or any direction given in pursuance of this Ordinance or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if such person has entered into a bond in pursuance of clause (*f*) of sub-section (*2*) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

Protection to persons acting under this Ordinance.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

Application of other laws not barred.

III of 1864.
XVI of 1939.

14. The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of the Foreigners Act, 1864, the Registration of Foreigners Act, 1939, and of any other enactment for the time being in force.

LINLITHGOW,
Viceroy and Governor-General.

SIMLA,
the 26th August 1939.

NOTIFICATION.

No. 1354—*Legis.* 19-39-2, *dated Bangalore, the 2nd September* 1939.

In exercise of the powers conferred by Section 3 of the Foreigners Ordinance, 1939, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules:—

1. (*1*) These Rules may be called the Foreigners Rules, 1939.
   (*2*) It shall come into force at once.
   (*3*) It extends to the whole of Mysore.

2. In these Rules "Registration Officer" means a Registration Officer as lefined in the Registration of Foreigners Rules, 1939.

3. The Government may appoint civil authorities for the purposes of these Rules for such areas as they think fit.

4. (*1*) The civil authority may prohibit the entry of any foreigner into Mysore.
   (*2*) No foreigner shall depart from Mysore without the permission of the civil authority for the port or other place of departure.

5. (*1*) No foreigner shall, without the permission of the civil authority, visit, or reside in, any prohibited place as defined in the Indian Official Secret Act, 1923.
   (*2*) Where any foreigner is, on the commencement of these Rules, residing in any prohibited place and is not permitted to continue to reside there, he shall within such time as may be specified by the civil authority, remove himself from such place.

6. No foreigner shall, without the permission in writing of the civil authority, enter any premises relating to, or be employed in or in connection with—

(*a*) any undertaking for the supply to Government or to the public of light, petroleum, power or water, or

(*b*) any other undertaking which may be specified in this behalf by the Government.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

NOTIFICATION.

No. P. 1355—*Legis.* 19-39-3, *dated Bangalore, the 2nd September* 1939.

In exercise of the powers conferred by Section 3 of the Foreigners Rules, 1939, the Government of His Highness the Maharaja of Mysore are pleased to appoint the following persons as civil authorities for the purposes of the said rules for the areas noted against them :—

1.	The Inspector-General of Police in Mysore.	For the whole of Mysore.
2.	The District Superintendents of Police.	For their respective Districts.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,

Law Department.

NOTIFICATION.

No. P. 1357—*Legis.* 19-39-4, *dated Bangalore, the 3rd September* 1939.

In exercise of the powers conferred by Section 3 of the Foreigners Ordinance, 1939, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to declare that all Foreigners Orders from time to time issued in British India under the Foreigners Ordinance, 1939, shall apply to Mysore *mutatis mutandis.*

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,

Law Department

DRAFT FINAL NOTE.

Subject:- Issue of Notification applying to Mysore the Foreigners Ordinanc and Order thereunder.

In their letter of the 1st instant. the Residency requested that this Government might apply at a very early date t. Mysore, an Ordinance and Order similar to the Foreigners Ordinance No. I of 193. and the Order under it of British India. As th matter was urgent, Notifications enforcing the British Indian Ordinance and Order and appointing civil authorities under the Orde were issued on the 2nd, instant.

The papers are submitted to His Highness for gracious approval of the actio taken.

MEMBER OF COUNCIL

POLITICAL & SECRET DEPARTMENT
RECEIVED
7 SEP 1939
PROTECTION

The Residency,
Bangalore.

6th September.

(1) Ordinance No.1 of 1939. 6 copies.

(2) The Enemy Foreigners Order, 1939.

Forwarded with the compliments of the Secretary to the Hon'ble the Resident in Mysore.

Rajasevaprasakta,
Mr.B.T.Kesavaiengar B.A.,
Chief Secretary to the Government
of H.H.the Maharaja of Mysore,
Bangalore.

ORDINANCE No. I OF 1939.

AN

ORDINANCE

TO

provide for the imposition of restrictions on foreigners.

WHEREAS an emergency has arisen which makes it necessary to provide for the imposition of restrictions on the entry of foreigners into British India, their presence therein and their departure therefrom :

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (*1*) This Ordinance may be called the Foreigners Ordinance, 1939.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force at once.

2. In this Ordinance—

(*a*) " foreigner" has the meaning assigned to it in the Foreigners Act, 1864, except that it does not include—

(*i*) any ruler or subject of any Indian State ; or

(*ii*) any native of the tribal areas.

(*b*) " prescribed " means prescribed by orders made under this Ordinance ;

(*c*) " specified " means specified by direction of a prescribed authority.

3. (*1*) The Central Government may, by order, make provision, either generally with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into British India or their departure therefrom or their presence or continued presence therein ;

(*2*) In particular, and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner—

(*a*) shall not enter British India, or shall enter British India only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed ;

(*b*) shall not depart from British India, or shall depart only at such times and by such route and from such port or place and subject to the observance of such conditions on departure as may be prescribed ;

(*c*) shall not remain in British India or in any prescribed area therein ;

(*d*) shall remove himself to, and remain in, such area in British India as may be prescribed ;

(*e*) shall comply with such conditions as may be prescribed or specified—

(*i*) requiring him to reside in a particular place,

(*ii*) imposing any restrictions on his movements,

(*iii*) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place

(*iv*) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his hand-writing and signature to such authority and at such time and place as may be prescribed or specified ;

(*v*) prohibiting him from association with persons of a prescribed or specified description ;

(*vi*) prohibiting him from engaging in activities of a prescribed or specified description ;

(*vii*) prohibiting him from using or possessing prescribed or specified articles ; or

(*viii*) otherwise regulating his conduct in any such particular as may be prescribed or specified ;

(*f*) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions ; or

(*g*) shall be arrested and detained or confined ;

and may make provision for such incidental and supplementary matters as may, in the opinion of the Central Government, be expedient or necessary for giving effect to this Ordinance.

4. (*1*) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (*g*) of sub-section (*2*) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Central Government may from time to time determine.

(*2*) No person shall—

(*a*) knowingly assist an internee to escape from custody or knowingly harbour an escaped internee ; or

(*b*) give an escaped internee any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the internee.

(*3*) The Central Government may by order provide for regulating access to, and the conduct of persons in, places in British India where internees are detained and for prohibiting or regulating the despatch or conveyance from outside such places to or for internees therein of such articles as may be prescribed.

(*4*) No proceedings shall be taken by virtue of sub-section (*2*) or sub-section (*3*) against any person in respect of any act done by him when he is himself an internee.

5. (*1*) No foreigner who is in British India on the date on which this Ordinance came into force shall, while in British India after that date, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said date.

(*2*) Where, after the date on which this Ordinance came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the said date, he shall, for the purposes of sub-section (*1*) be deemed to be using a name other than that by which he was ordinarily known immediately before the said date.

(*3*) In relation to any foreigner who, not having been in British India on the date on which the Ordinance came into force, thereafter enters British India, sub-sections (*1*) and (*2*) shall have effect as if for any reference in t'

to the date on which this Ordinance came into force there were substituted a reference to the date on which he first enters British India thereafter.

(*4*) For the purposes of this section—

(*a*) the expression 'name' includes a surname, and

(*b*) a name shall be deemed to be changed if the spelling thereof is altered.

(*5*) Nothing in this section shall apply to the assumption or use—

(*a*) of any name in pursuance of a Royal licence; or

(*b*) by any married woman, of her husband's name.

6. Any District Magistrate and any Commissioner of Police or, where there is no Commissioner of Police, any Superintendent of Police, may, for any purpose connected with the enforcement of this Ordinance or any order made thereunder, enter, with such assistance as he may think fit, any vessel or aircraft at any port or place in British India and may—

(*a*) direct the master of the vessel or the pilot of the aircraft, as the case may be,—

(*i*) before any passenger disembarks, or before the vessel or aircraft leaves such port or place, as the case may be, to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the vessel or aircraft commenced its journey, or who have signified their intention of departing from British India on board such vessel or aircraft, setting out the ports or places at which they embarked, the ports or places of their disembarkation or intended disembarkation, and such other particulars as may be prescribed, and

(*ii*) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of British India; and

(*b*) if any foreigner seeking to enter British India on board such vessel or aircraft does not give satisfactory reasons for entering British India, either—

(*i*) refuse to allow such foreigner to disembark from such vessel or aircraft, or

(*ii*) place him under such restraint as may be prescribed or specified.

Burden of proof.

7. If any question arises with reference to this Ordinance or any order made or direction given thereunder, whether any person is or is not a foreigner or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, lie upon such person.

Power to exempt from application of Ordinance.

8. The Central Government may, by order, declare that any or all of the provisions of this Ordinance or the orders made thereunder shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified, to and in relation to any individual foreigner or any class or description of foreigner.

Power to give effect to orders, directions, etc.

9. (*1*) Any authority empowered by or under or in pursuance of the provisions of this Ordinance to give any direction or to exercise any other power, may, in addition to any other action expressly provided for in this Ordinance, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in its opinion, be reasonably necessary

for securing compliance with such direction or for preventing or rectifying any breach thereof, or for the effective exercise of such power, as the case may be.

(*2*) Any police officer may take such steps and use such force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provisions of this Ordinance or for preventing or rectifying any breach of such order or direction.

(*3*) The power conferred by this section shall be deemed to confer upon any person acting in exercise thereof a right of access to any land or other property whatsoever.

10. Any authority upon which any power to make or give any direction, consent or permission or to do any other act is conferred by this Ordinance or by any order made thereunder may, unless express provision is made to the contrary, in writing authorise, conditionally or otherwise, any authority subordinate to it to exercise such power on its behalf, and thereupon the said subordinate authority shall, subject to such conditions as may be contained in the authorisation, be deemed to be the authority upon which such power is conferred by or under this Ordinance.

11. (*1*) Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Ordinance or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Ordinance.

(*2*) Any person who, knowing or having reasonable cause to believe that any other person has contravened the provisions of this Ordinance or of any order made or direction given thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

(*3*) The master of any vessel or the pilot of any aircraft, as the case may be, by means of which any foreigner enters or leaves British India in contravention of any order made under, or direction given in pursuance of, section 3 shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Ordinance.

12. If any person contravenes the provisions of this Ordinance or of any order made thereunder, or any direction given in pursuance of this Ordinance or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if such person has entered into a bond in pursuance of clause (*f*) of sub-section (*2*) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

14. The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of the Foreigners Act, 1864, the Registration of Foreigners Act, 1939. and of any other enactment for the time being in force.

LINLITHGOW,

Viceroy and Governor General.

SIMLA;

The 26th August 1939.

HOME DEPARTMENT.

(POLITICAL).

Order under the Foreigners Ordinance.

No. 21/84/39, dated 26th August 1939

In exercise of the powers conferred by section 3 of the Foreigners Ordinance, 1939, the Central Government is pleased to make the following Order :—

Short title, commencement and extent.

1. (*1*) This Order may be called the Foreigners Order, 1939.

(*2*) It shall come into force at once.

(*3*) It extends to the whole of British India including those excluded and partially excluded areas to which the Foreigners Ordinance, 1939, has been, or may hereafter be, applied by notification under sub-section (*1*) of section 92 of the Government of India Act, 1935.

Definition.

2. In this Order " Registration Officer " means a Registration Officer as defined in the Registration of Foreigners Rules, 1939.

Civil authority.

3. The Central Government may appoint civil authorities for the purposes of this Order for such areas as it thinks fit.

Restrictions on arrival in, and departure from, British India.

4. (*1*) Notwithstanding anything contained in the Indian Passport Act, 1920, or in the rules made thereunder, the civil authority may prohibit the entry of any foreigner into British India.

(*2*) No foreigner shall depart from British India without the permission of the civil authority for the port or other place of departure.

Restriction on place of residence.

5. (*1*) No foreigner shall, without the permission of the civil authority, visit, or reside in, any prohibited place as defined in the Indian Official Secrets Act, 1923.

XIX of 1923.

(*2*) Where any foreigner is, on the commencement of this Order, residing in any prohibited place and is not permitted to continue to reside there, he shall, within such time as may be specified by the civil authority, remove himself from such place.

Restrictions on employment.

6. No foreigner shall, without the permission in writing of the civil authority, enter any premises relating to, or be employed in, or in connexion with—

(*a*) any undertaking for the supply to Government or to the public of light, petroleum, power or water, or

(*b*) any other undertaking which may be specified in this behalf by the Central Government.

E. CONRAN-SMITH,

Secretary to the Government of India.

Paragraph 7. Powers of arrest and detention. If in the opinion of Civil Authority, it is necessary for public safety so to do, the Civil Authority may arrest any foreigner without warrant and detain him in such manner and at such place as may to such authority appear suitable: provided that the manner of such detention or confinement shall not be more rigorous than manner in which an arrested person is detained or confined while in police custody under the Code of Criminal Procedure, 1898.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P.1708/Legis 19-39-5 Dated Bangalore the 12th September 1939.

NOTIFICATION.

In modification of Notification No.1354/Legis 19-39-2 dated Bangalore the 2nd September 1939, the Government of His Highness the Maharaja of Mysore are pleased to direct as follows:-

1. For the words "the following Rules" in the preamble, the words "the following Order" shall be substituted.

2. For sub-clause 1 (1) of the notification, the following shall be substituted, namely:-

"1(1) This Order may be called the Foreigners Order, 1939."

3. In clauses 2 and 3 and 5(2) of the notification, for the words "these Rules" the words, "this Order" shall be substituted.

4. After clause 6 of the notification, the following shall be substituted, namely:-

"7. Powers of arrest and detention. If in the opinion of the Civil authority, it is necessary for the public safety so to do, the Civil Authority may arrest any foreigner without warrant and detain him in such manner and at such place as may to such authority appear suitable; provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the Code of Criminal Procedure, 1904.

8. Power to impose restrictions on movement etc. The civil authority may by order in writing direct that any foreigner shall comply with such ~~directions~~ conditions as may be specified in the order in respect of (a) his place of residence (b) his movements (c) his association with any person or class of persons specified in the order and (d) his possession of such articles as may be specified in the order.

By Order,

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette for publication in this week's Gazette and for supply of 100 Copies to Rs. three

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P.1709 /Legis 19-39-6 Dated Bangalore the 12th September 1939

NOTIFICATION.

The accompanying Enemy Foreigners Order, 1939, issued by the Government of India under the Foreigners Ordinance, 1939, is republished for general information.

By Order,

Secretary to Government
Law Department.

(Here enter the printed matter annexed)

To

The Compiler, Mysore Gazette for publication in this week's Gazette and for supply of 100 copies to this office.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No. P|709Legis19-39-6. Dated Bangalore the 9th day of September

The accompanying Enemy Foreigners Order, 1939, issued by the Government of India under the Foreigners Ordinance,1939, is republished for general information.

By Order

Secretary to Government,
Law Department.

(Here enter the printed matter annexed.)

Flag J

To,

The Compiler, Mysore Gazette for publication in the Gazette and for supply of 50 copies to this office.

NOTIFICATION.

No. P. 1353—*Legis.* 19-39-1, *dated Bangalore, the 2nd September* 1939.

In exercise of the powers vested in them under Section 12 of the Mysore Legislative Council Act, XIX of 1923, and all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Foreigners Ordinance, 1939 (Ordinance No. I of 1939) shall *mutatis mutandis* be enforced in Mysore subject to the modifications specified in the Schedule hereto annexed, as long as and to the same extent as the Ordinance is in force in British India. It shall apply to all subjects of the State resident in or out of Mysore and to all persons resident within the State of Mysore:

Provided that any Court may construe the provisions of the said Ordinance and of any notifications, orders, directions or Acts made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

SCHEDULE.

List of Modifications.

In the Foreigners Ordinance, 1939—

1. Save where the context otherwise requires, references to the Central Government shall be construed as references to the Government of His Highness the Maharaja of Mysore.

2. In Section 6 of the Ordinance, for the words, "any Commissioner of Police, or where there is no Commissioner of Police," the words "the Inspector-General of Police and" shall be substituted.

3. In Section 14 of the Ordinance, the words, "the Foreigners Act, 1864" shall be omitted.

By Order,

C. Subrahmanya Aiyar,

Secretary to Government,

Law Department.

HOME DEPARTMENT.

ORDINANCE No. I OF 1939

AN

ORDINANCE

TO

provide for the imposition of restrictions on foreigners.

WHEREAS an emergency has arisen which makes it necessary to provide for the imposition of restrictions on the entry of foreigners into British India, their presence therein and their departure therefrom :

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :— 26 Geo. 5, Ch. 2.

1. (*1*) This Ordinance may be called the Foreigners Ordinance, 1939. Short title, extent and commencement.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force at once.

2. In this Ordinance— Definitions.

(*a*) "foreigner" has the meaning assigned to it in the Foreigners Act, 1864, except that it does not include— III of 1864.

(*i*) any ruler or subject of any Indian State ; or

(*ii*) any native of the tribal areas ;

(*b*) "prescribed" means prescribed by orders made under this Ordinance ;

(*c*) "specified" means specified by direction of a prescribed authority.

3. (*1*) The Central Government may, by order, make provision, either generally with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into British India or their departure therefrom or their presence or continued presence therein ; Power to make orders.

(2) In particular, and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner—

(*a*) shall not enter British India, or shall enter British India only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed ;

(*b*) shall not depart from British India, or shall depart only at such times and by such route and from such port or place and subject to the observance of such conditions on departure as may be prescribed

(*c*) shall not remain in British India or in any prescribed area therein ;

(*d*) shall remove himself to, and remain in, such area in British India as may be prescribed ;

(*e*) shall comply with such conditions as may be prescribed or specified—

(*i*) requiring him to reside in a particular place,

(*ii*) imposing any restrictions on his movements,

(*iii*) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified ;

(*iv*) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his handwriting and signature to such authority and at such time and place as may be prescribed or specified ;

(*v*) prohibiting him from association with persons of a prescribed or specified description ;

(*vi*) prohibiting him from engaging in activities of a prescribed or specified description ;

(*vii*) prohibiting him from using or possessing prescribed or specified articles ; or

(*viii*) otherwise regulating his conduct in any such particular as may be prescribed or specified ;

(*f*) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions; or

(*g*) shall be arrested and detained or confined;

and may make provision for such incidental and supplementary matters as may, in the opinion of the Central Government, be expedient or necessary for giving effect to this Ordinance.

Internees.

4. (*1*) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (*g*) of sub-section (*2*) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Central Government may from time to time determine.

(*2*) No person shall—

(*a*) knowingly assist an internee to escape from custody or knowingly harbour an escaped internee; or

(*b*) give an escaped internee any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the internee.

(*3*) The Central Government may by order provide for regulating access to, and the conduct of persons in, places in British India where internees are detained and for prohibiting or regulating the despatch or conveyance from outside such places to or for internees therein of such articles as may be prescribed.

(*4*) No proceedings shall be taken by virtue of sub-section (*2*) or sub-section (*3*) against any person in respect of any act done by him when he is himself an internee.

5. (*1*) No foreigner who is in British India on the date on which this Ordinance came into force shall, while in British India after that date, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said date.

(*2*) Where, after the date on which this Ordinance came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the said date, he shall, for the purposes of sub-section (*1*) be deemed to be using a name other than that by which he was ordinarily known immediately before the said date.

(*3*) In relation to any foreigner who, not having been in British India on the date on which the Ordinance came into force, thereafter enters British India, sub-sections (*1*) and (*2*) shall have effect as if for any reference in those sub-sections to the date on which this Ordinance came into force there were substituted a reference to the date on which he first enters British India thereafter.

(*4*) For the purposes of this section—

(*a*) the expression 'name' includes a surname, and

(*b*) a name shall be deemed to be changed if the spelling thereof is altered.

(*5*) Nothing in this section shall apply to the ssumption or use—

(*a*) of any name in pursuance of a Royal licence; or

(*b*) by any married woman, of her husband's name.

6. Any District Magistrate and any Commissioner of Police, or, where there is no Commissioner of Police, any Superintendent of Police, may, for any purpose connected with the enforcement of this Ordinance or any order made thereunder, enter, with such assistance as he may think fit, any vessel or aircraft at any port or place in British India and may—

i) direct the master of the vessel or the pilot of the aircraft, as the case may be,-

(*i*) before any passenger disembarks, or before the vessel or aircraft leaves such port or place, as the case may be, to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the vessel or aircraft

commenced its journey, or who have signified their intention of departing from British India on board such vessel or aircraft, setting out the ports or places at which they embarked, the ports or places of their disembarkation or intended disembarkation, and such other particulars as may be prescribed, and

(*ii*) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of British India ; and

(*b*) if any foreigner seeking to enter British India on board such vessel or aircraft does not give satisfactory reasons for entering British India, either—

(*i*) refuse to allow such foreigner to disembark from such vessel or aircraft, or

(*ii*) place him under such restraint as may be prescribed or specified.

Burden of proof.

7. If any question arises with reference to this Ordinance or any order made or direction given thereunder, whether any person is or is not a foreigner or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, lie upon such person. I of 1872.

Power to exempt from application of Ordinance.

8. The Central Government may, by order, declare that any or all of the provisions of this Ordinance or the orders made thereunder shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified, to and in relation to any individual foreigner or any class or description of foreigner.

Power to give effect to orders, directions, etc.

9. (*1*) Any authority empowered by or under or in pursuance of the provisions of this Ordinance to give any direction or to exercise any other power, may, in addition to any other action expressly provided for in this Ordinance, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in its opinion, be reasonably necessary for securing compliance with such direction or for preventing or rectifying any breach thereof, or for the effective exercise of such power, as the case may be.

(2) Any police officer may take such steps and use such force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provisions of this Ordinance or for preventing or rectifying any breach of such order or direction.

(3) The power conferred by this section shall be deemed to confer upon any person acting in exercise thereof a right of access to any land or other property whatsoever.

10. Any authority upon which any power to make or give any direction, consent or permission or to do any other act is conferred by this Ordinance or by any order made thereunder may, unless express provision is made to the contrary, in writing, authorise, conditionally or otherwise, any authority subordinate to it to exercise such power on its behalf, and thereupon the said subordinate authority shall, subject to such conditions as may be contained in the authorisation, be deemed to be the authority upon which such power is conferred by or under this Ordinance.

11. (1) Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Ordinance or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Ordinance.

(2) Any person who, knowing or having reasonable cause to believe that any other person has contravened the provisions of this Ordinance or of any order made or direction given thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

(3) The master of any vessel or the pilot of any aircraft, as the case may be, by means of which any foreigner enters or leaves British India in contravention of any order made under, or direction given in pursuance of, section 3 shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Ordinance.

12. If any person contravenes the provisions of this Ordinance or of any order made thereunder, or any direction given in pursuance of this Ordinance or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if such person has entered into a bond in pursuance of clause (*f*) of sub-section (*2*) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid. Penalties.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance. Protection to persons acting under this Ordinance.

14. The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of the Foreigners Act, 1864, the Registration of Foreigners Act, 1939, and of any other enactment for the time being in force. Application of other laws not barred. III of 1864. XVI of 1939.

LINLITHGOW,
Viceroy and Governor-General.

SIMLA,
the 26th August 1939.

NOTIFICATION.

No. P. 1354—*Legis.* 19-39-2, *dated Bangalore, the 2nd September* 1939.

In exercise of the powers conferred by Section 3 of the Foreigners Ordinance, 1939, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to make the following ~~Rules~~ :—

1. (*1*) These Rules may be called the Foreigners Rules, 1939.
   (*2*) It shall come into force at once.
   (*3*) It extends to the whole of Mysore.

2. In ~~these~~ Rules "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners Rules, 1939.

3. The Government may appoint civil authorities for the purposes of ~~these~~ Rules for such areas as they think fit.

4. (*1*) The civil authority may prohibit the entry of any foreigner into Mysore.
   (*2*) No foreigner shall depart from Mysore without the permission of the civil authority for the port or other place of departure.

5. (*1*) No foreigner shall, without the permission of the civil authority, visit, or reside in, any prohibited place as defined in the Indian Official Secret Act, 1923.
   (*2*) Where any foreigner is, on the commencement of ~~these~~ Rules, residing in any prohibited place and is not permitted to continue to reside there, he shall within such time as may be specified by the civil authority, remove himself from such place.

6. No foreigner shall, without the permission in writing of the civil authority, enter any premises relating to, or be employed in or in connection with—

(*a*) any undertaking for the supply to Government or to the public of light, petroleum, power or water, or

(*b*) any other undertaking which may be specified in this behalf by the Government.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. P. 1355—*Legis.* 19-39-3, *dated Bangalore, the 2nd September* 1939.

In exercise of the powers conferred by Section 3 of the Foreigners Rules, 1939, the Government of His Highness the Maharaja of Mysore are pleased to appoint the following persons as civil authorities for the purposes of the said rules for the areas noted against them :—

1.	The Inspector-General of Police in Mysore.	For the whole of Mysore.
2.	The District Superintendents of Police.	For their respective Districts.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,

Law Department.

NOTIFICATION.

No. P. 1357—*Legis.* 19-39-4; *dated Bangalore, the* 3*rd September* 1939.

In exercise of the powers conferred by Section 3 of the Foreigners Ordinance, 1939, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to declare that all Foreigners Orders from time to time issued in British India under the Foreigners Ordinance, 1939, shall apply to Mysore *mutatis mutandis*.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,
Law Department.

NOTIFICATION.

No. P. 1708—*Legis.* 19-39-5, *dated Bangalore, the* 12*th September* 1939.

In modification of Notification No. 1354—Legis. 19-39-2, dated Bangalore, the 2nd September 1939, the Government of His Highness the Maharaja of Mysore are pleased to direct as follows :—

1. For the words "the following Rules" in the preamble, the words "the following order" shall be substituted.

2 For sub-clause 1 (*1*) of the notification, the following shall be substituted, namely :—

"1 (*1*) This Order may be called the Foreigners Order, 1939."

3. In clauses 2 and 3 and 5 (*2*) of the notification, for the words "these Rules" the words, "this Order" shall be substituted.

4. After clause 6 of the notification, the following shall be substituted, namely :—

"7. *Powers of arrest and detention.*—If in the opinion of the Civil Authority, it is necessary for the public safety so to do, the Civil Authority may arrest any foreigner without warrant and detain him in such manner and at such place as may to such authority appear suitable : provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the Code of Criminal Procedure, 1904.

8. *Power to impose restrictions on movement, etc.* The Civil Authority may by order in writing direct that any foreigner shall comply with such conditions as may be specified in the order in respect of (*a*) his place of residence, (*b*) his movements, (*c*) his association with any person or class of persons specified in the order, and (*d*) his possession of such articles as may be specified in the order.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

NOTIFICATION.

Order No. P. 1709—*Legis.* 19-39-6, *dated Bangalore, the* 12*th September* 1939.

The accompanying Enemy Foreigners Order, 1939, issued by the Government of India under the Foreigners Ordinance, 1939, is republished for general information.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

POLITICAL (W.)

No. 21-73-39, *dated the 3rd September* 1939.

In exercise of the powers conferred by sections 3, 4, 8 and 10 of the Foreigners Ordinance, 1939, the Central Government is pleased to make the following Order, namely:— I of 1939.

The Enemy Foreigners Order, 1939.

PART I.—PRELIMINARY.

1. (*1*) This Order may be called the Enemy Foreigners Order, 1939. Short title and extent

(*2*) It extends to the whole of British India, including those excluded and partially excluded areas to which the Foreigners Ordinance, 1939, has been, or may hereafter be, applied by notification under sub-section (*1*) of section 92 of the Government of India Act, 1935. I of 1939. 26 Geo. 5, Ch. 2.

2. In this Order,— Definitions.

(*a*) "Civil Authority" means the Civil Authority appointed under paragraph 3 of the Foreigners Order, 1939;

(*b*) "enemy foreigner" means a foreigner who possesses the nationality of a State at war with His Majesty, or, having possessed such nationality at any time, has lost it without acquiring any other nationality;

(*c*) "internee" means any person arrested or liable to arrest under paragraph 9 of this Order;

(*d*) "Ordinance" means the Foreigners Ordinance, 1939;

(*e*) "registered address" means registered address as defined in the Registration of Foreigners Rules, 1939; and

(*f*) "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners Rules, 1939.

PART II.—General restrictions on enemy foreigners.

3. No enemy foreigner of the male sex who has completed the age of sixteen years shall depart from British India without the permission in writing of the Central Government.

4. No enemy foreigner shall change his residence without the permission in writing previously obtained of the Civil Authority for the area to which he proposes to transfer his residence.

5. Every enemy foreigner not under detention or confinement shall—

(*a*) report his presence at his registered address once in every 24 hours to the Registration Officer, and

(*b*) if he is at any time absent from his registered address for more than 24 hours, report once during every day of such absence to the nearest Civil Authority

6. (*1*) No enemy foreigner shall travel in British India over a distance of more than five miles from the place of his registered address except in accordance with the conditions, and during the validity of a written permit previously obtained from the Civil Authority.

(2) Every permit issued in pursuance of sub-paragraph (1) shall specify the foreigner's name, nationality and description, the place or places which he is authorised to visit, the purpose of the journey and the date of expiry of the permit.

Prohibited articles.

7. (1) No enemy foreigner shall have in his possession or control any firearms or ammunition.

(2) No enemy foreigner shall, without the permission of the Civil Authority, have in his possession or control—

(a) any explosive or any material capable of being used for the manufacture of an explosive;
(b) more than three gallons of inflammable liquid;
(c) any motor-car, motor-cycle, sea-going craft or aircraft;
(d) any camera or other photographic apparatus;
(e) any wireless apparatus, telephone, field glasses or signalling apparatus;
(f) any map drawn to a scale larger than four miles to one inch;
(g) any nautical chart;
(h) any document intended for the use of members of any armed force; or
(i) any such document describing or depicting any ship, aircraft, vehicle, weapon or equipment of a kind used by the armed forces of the Crown, or any such list of persons in His Majesty's service, as may be specified by an order of the Central Government.

PART III.—INTERNMENT OF ENEMY FOREIGNERS.

Internment camps.

8. The Central Government may for the purposes of this Order establish internment camps at such places as it thinks fit, and shall appoint a Commandant of every such camp.

Arrest of certain enemy foreigners.

9. Every enemy foreigner of the male sex who has completed the age of sixteen years and who is, or may hereafter arrive, in British India, shall forthwith be arrested by the Civil Authority for the area in which such enemy foreigner may be found, and shall be surrendered, as soon as may be, to the Commandant of an internment camp

Provided that nothing in this paragraph shall, except by an express direction of the Central Government, apply to any consul-general, consul, vice-consul, consular agent or person duly appointed by a Foreign Government to exercise diplomatic functions:

Provided further that if, at the time of his arrest, an enemy foreigner is suffering from any infectious disease or is by reason of sickness unable to move, the Civil Authority making the arrest shall report the matter to the Commandant of an internment camp and await his instructions as to the time at which and the internment camp to which the arrested person should be removed.

10. The Civil Authority shall, pending the surrender of an internee to the Commandant of an internment camp, detain or confine such internee in such manner and at such place as may to such Authority appear suitable:

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the provisions of the Code of Criminal Procedure, 1898.

11. (*1*) An internee may take with him to an internment camp such personal property as may be permitted by the Civil Authority arresting him, and may, subject to the approval of that Authority, dispose of the rest of his personal property in such manner as he desires.

(*2*) Where an internee is unable to make arrangements for the disposal of such of his personal property as he is not allowed to take with him to the internment camp, the property shall remain in the custody of the Civil Authority making the arrest or of such other person as may be authorised by or under any law for the time being in force to take possession of property belonging to enemy foreigners.

(*1*) The Civil Authority may arrest without warrant any enemy foreigner, other than an internee, whom it reasonably suspects of having acted, of acting or of being about to act, with intent to assist a State at war with His Majesty, or in a manner prejudicial to the public safety or to the safety of any building or machinery.

(*2*) The Civil Authority making an arrest in pursuance of sub-paragraph (*1*) shall forthwith report the fact of such arrest to the Central Government, and pending

the receipt of the orders of the Central Government, shall detain or confine the arrested person in such manner and at such place as may to such Authority appear suitable:

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the provisions of the Code of Criminal Procedure, 1898. V of 1898

PART IV—SUPPLEMENTARY.

Delegation of powers.

13. The Commander-in-Chief in India is hereby authorised to exercise all or any of the powers conferred on the Central Government—

(*a*) by section 4 of the Ordinance in relation to enemy foreigners arrested and surrendered to the Commandant of any internment camp under paragraph 9 of this Order; or

(*b*) by paragraph 8 of this Order.

Application of Foreigners Order, 1939, and Registration of Foreigners Rules, 1939, not barred.

14. The provisions of this Order shall be in addition to, and not in derogation of, the provisions of—

(*a*) the Foreigners Order, 1939, and

(*b*) the Registration of Foreigners Rules, 1939.

E. CONRAN-SMITH,

Secretary to the Government of India.